



# Pursuing Justice

By LAURINDA KEYS LONG

Is the law becoming international? How can speedier case handling bring better justice? These are among the questions U.S. Supreme Court Justice Stephen G. Breyer was asking during meetings with the Indian Supreme Court, High Court judges and lawyers during his second trip to India, in December.

His first visit, along with then-U.S. Supreme Court Justice Sandra Day O'Connor, coincided with the September 11, 2001 attack on the United States. When embassy security officers suggested that the two return home quickly, "we said we were not going back; we had come here to meet with judges, and it was very useful," Breyer recalled at a December 18 press briefing in New Delhi, with former Indian Attorney General Soli Sorabjee. It was important to continue their discussions on the law in the face of the 9/11 horror because, "The serious division in the world is not of race, gender or religion, but between people who believe in the use of reason and those who have given up on reason," said Breyer.

He believes the law has already become international, just based on cases on the U.S. Supreme Court docket: plaintiffs in Ecuador suing the Netherlands in New York to get a more generous judgment; which environmental laws govern Mexican trucks entering the United States; whether Paraguayan generals who tortured people can be sued in Washington under anti-piracy laws.

In deciding a case on how long someone can be kept on Death Row, Breyer said he found "a precedent in India, from the Canada Privy Council, and a very good opinion in Zimbabwe. Nothing is binding, but everything is useful for learning. These are all human beings. They have similar problems, similar documents."

His trips to India are part of a dialogue on ways to speed justice, and even avoid the courts. Some ideas being discussed: "You enlist the lawyers in case management... A panel of lawyers can look at your case and tell you honestly what it's worth, whether you have a case, or whether it should go to mediation or arbitration. But success depends on who you get to arbitrate. ... Otherwise, high-powered lawyers won't listen."

Breyer praised the work of a judge in Ahmedabad, Gujarat, who has sitings in a little house, with a social worker, lawyer and doctor on his panel, dealing mainly with abused women. "The woman describes the problem;



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Top: The U.S. Supreme Court in Washington, D.C.

Above: Former Indian Attorney General Soli Sorabjee listens as U.S. Supreme Court Justice Stephen G. Breyer (right) answers a question at a press briefing in New Delhi in December, 2007.

they focus on solving her problem," Breyer said.

All nine U.S. Supreme Court justices sit together to hear cases, about 8,000 a year, and rule within three months. "The rule is no one leaves on vacation until our work is finished," said Breyer. The justices are appointed for life, by the President.

In more than 200 years, there have been only two cases of corruption in the U.S. federal courts, said Breyer.

"Part of it is prestige. Also, long terms mean you're not looking for other work, part is being paid a decent wage, part has to do with prosecution, the certainty that someone will investigate and there's a good chance you'll get caught," he said. "Part of it is the feeling that you are part of a system where people are depending on you to do your job honestly. The poorest citizen can come into that courtroom and get the personal attention of this high officer."

